British Waterways

APRIL 2003

PLAYING IT FAIR AT TEMPORARY/ VISITOR MOORINGS

INTRODUCING THE TRIAL MOORINGS CODE

The new trial Moorings Code is an outcome of preliminary consultation with boating user groups about use and abuse of temporary mooring sites. The issues that prompted the debate are:

- boats staying for extended periods at locations designated as visitor or temporary moorings
- a sense of injustice amongst many boaters that people who do not genuinely keep on the move should pay for a mooring like they do and contribute their fair share of the costs of maintaining the waterways

Section 17.3 (c) of the British Waterways Act 1995 says that to obtain a licence, a boat must have

> "a mooring or other place where [it] can … lawfully be left … unless the applicant … satisfies the Board that the vessel … will be used bona fide for navigation throughout the period [of the licence] … without remaining continuously in any one place for more than 14 days or such longer period as is reasonable in the circumstances."

Ultimately it will be for the courts to interpret these words, but in the meantime, clear benchmark guidance is necessary for boat owners and waterway management alike. The trial Moorings Code defines the standards that we propose our staff should apply and that boaters should follow. If everyone follows the Code, it should help ensure that public moorings are available to all in a fair and equitable way.

We have attempted to define guidelines which are simple and clear, and which describe the combination of cruising frequency and distance which are consistent with what the parliamentary draughtsmen had in mind when writing the statute. We believe that they intended 'bona fide for navigation' to imply some sense of progressive travel around the network. This does not rule out 'meandering' slowly, and does not carry a requirement to cover all 2000 miles over any period. It does however rule out repetitive 'to-ing' and 'fro-ing' within the same geographical area. We have drafted the Code to apply to boaters without a home mooring and anyone with a home mooring cruising away from it for more than 42 days. Without this, an obvious loophole exists for people to rent a home mooring in an area of the country where moorings are less expensive, but to spend most of their time in an area where moorings are more expensive.

The freedom of the waterways is extremely precious to us all, and we have no intention of undermining this. We will be sensitive and pragmatic in applying the Code, and will only pursue its application through to the final sanction in cases that cause real local difficulties. We are keen to establish an Appeal Panel to include user representatives to help us resolve these difficult cases.

Consultation process and timetable

This document marks the final phase of the consultation in which we will put the new Moorings Code to a real life test. We are asking all boaters to read it, and to observe over the coming months how, if at all, it impinges on actual cruising plans. Please use the feedback form to tell us about this towards the end of the summer. We'll include a reminder in the autumn 2003 issue of Waterfront. The Code itself is also printed as an annex to the new Licence Fees and Conditions booklets which we send out with licence renewals. We will confirm or amend the Moorings Code before the end of March 2004.

Although it is a trial and we are still consulting, we do expect you to take notice of the Code and make every effort to comply. We need to monitor as many aspects of its implementation as possible, but will stop short of the final sanction before the Code is confirmed.

TRIAL MOORINGS CODE

Just as highways need parking regulations to ensure orderly use of scarce road space, some rules about mooring on the waterways are necessary. Problems of congestion, undue strain on local facilities and fairness to other boaters can result when individual boats stay for long periods on temporary moorings without our consent.

We aim to avoid unnecessarily bureaucratic regulations, and given the much slower pace of life on the waterways, restrictions are usually measured in days rather than hours.

Our powers to regulate moorings lie in the British Waterways Act 1995 which requires that a boat must have a permanent, home mooring unless it is being used for navigation throughout the period of its licence.

The Code does not apply when your boat is on its home mooring.

Reference to “moor” and “mooring” refers to the place where you moor overnight.

1. Standards for all boats

a) You may moor at the same place for no more than 14 days in any 42 day period. You will be deemed to have moved to a different place if you have travelled at least ten lock miles in any direction. (A lock mile is the number of miles cruised plus the number of locks negotiated over a given stretch.) In other words, you must always be 10 lock miles away from where you were 15 days ago.

b) You must obey local signs and regulations restricting mooring at particular locations. These take precedence over the entitlement mentioned in 1(a) above.

c) You should advise our licensing department if you change your home mooring. A winter mooring is also a home mooring for the period you occupy it.

2. Additional standards for boats without a home mooring or cruising for extended periods away from a home mooring

You should follow these standards if you leave your home mooring for any continuous period of 42 days or more:

a) You may moor at the same place for up to 14 days in any 42 day period. You will be deemed to have moved to a different place if you have travelled at least ten lock miles in any direction and

b) You must also travel:
- at least 20 different lock miles every 15 days (the same stretch will not normally count more than once), and
- at least 40 different lock miles every 30 days, and
- at least 120 different lock miles every 3 months

3. Evidence of cruising

It is the boat licence holder’s responsibility to satisfy British Waterways that the boat has moved in line with this Code. To help you do this, we can supply a cruising diary free of charge. Alternatively you may like to keep your own diary. For added confidence, our local staff will endorse diary entries on request. We will only ask you for evidence if we have reason to believe that your boat may not be moving in accordance with the Code.

4. Non-compliance and dispute procedure

This Code sets out the standards that we believe need to be followed to comply with s.17 of the British Waterways Act 1995 and the Licence Conditions. We will apply the Code in a pragmatic way and recognise that sometimes special circumstances can occur when it is reasonable to moor for longer periods. These may include illness, mechanical breakdown or waterway stoppages. If any of these circumstances arise, please ensure local BW staff are aware of your difficulties.

It will nevertheless be necessary to take steps where there is unreasonable and persistent failure to comply with the Code. Even then it will be our preference to resolve problems without recourse to legal action.

TRIAL MOORINGS CODE AND EXAMPLE

a) As a first step we will contact you to establish the relevant facts and check that you understand this Moorings Code. We may ask you for evidence of your recent cruising patterns. Our aim at this stage is to do all we can to help you to comply with the rules. This might include helping you to arrange an available home mooring.

b) If, after a period of at least 28 days, we continue to have reason to believe that the boat is not moving in accordance with the Code, we will, as a second step, issue a formal warning. This will specify a period during which you must demonstrate to us that you are complying with the Code. This will be between 30 days and 3 months depending on the circumstances. The main method of demonstrating compliance is the maintenance of a cruising diary.

If you believe we have issued the warning unfairly, you will be able to appeal. To help with this, we intend to establish a special appeal panel that will include experts drawn from waterway user groups and other interested parties. In the meantime, you should follow our normal complaints procedure. This Code will be updated with the details as soon as they are confirmed.

c) As a final step, if failure to comply continues we may exercise our powers under s.17(5) of the British Waterways Act 1995 to revoke your licence.

5. Finding a home mooring

You may find it difficult to follow the rules because you are unable to secure a home mooring in the area where you wish to base your boat. While we are working hard to increase long term mooring provision, this is often beyond our control. Neither we nor private sector mooring operators can guarantee to meet demand for moorings everywhere, and you may need to consider altering your cruising patterns or accept a permanent mooring in a different region in order to comply with the rules. Our duties do not include those of a housing authority.

EXAMPLE

Fred lives on his narrowboat and his children go to school in Uxbridge. He is registered as a continuous cruiser and does not pay for a mooring.

He has been tied up to the towpath on the Grand Union Canal at Uxbridge for well over 14 days. After being reminded about the Moorings Code, he begins to move more frequently and over the next 3 months travels between several different moorings. The furthest north that he reaches is Harefield, and in the other direction, he reaches Southall. Although Fred travelled a total of 29 lock-miles over the period, he has only covered 13 different lock-miles and this is a long way short of the 120 needed to comply with the Code.

Alternative cruising patterns which would give Fred the necessary 120 different lock-miles over the three month period might be:

- Uxbridge to Wolverton (near Milton Keynes) and back – a total of 120 different lock-miles

- Uxbridge via the Regents Canal to Stepney (37 lock-miles); Stepney - Uxbridge (no new lock-miles); Uxbridge – Marsworth (83 lock-miles)

Of course, Fred might find it extremely difficult to achieve either of these patterns and ensure that his children still get to school each day! This would suggest that he should attempt to find a proper home mooring for his boat. And if this isn't possible, maybe he needs to reconsider whether living afloat without a permanent mooring is a practical option.

British Waterways

THE MOORINGS CODE
FEEDBACK FORM

Please use this form to give us your views on the trial Moorings Code. You have until 31st October 2003 to do this, so we'd encourage you to take your time, particularly if you are a continuous cruiser, to see how following the Code actually affects your cruising.

Before completing it, please take time to read and consider the introductory explanation, as well as the Code itself. Copies of the documents are on www.britishwaterways.co.uk where you'll also find an online version of this form.

1. Which waterways do you cruise most frequently?

2. When cruising, how frequently do you experience difficulty in finding a space to moor at the place you want to stop?

☐ Very often ☐ Often ☐ Rarely ☐ Never

3. Are you able to generalise about the difficulty of finding a free space at different types of mooring site?

Use a rating scale of 1 – 5, where 1 = very easy and 5 = very difficult.

☐ Sites with facilities (water, refuse etc)

☐ Sites close to local shops, pubs and transport links

☐ Designated visitor moorings generally

☐ Other, non-designated sites

4. Do you believe that lack of space at moorings is often due to the same boats mooring on the site for long periods?

☐ No – this is not something I've noticed

☐ I have noticed this occasionally

☐ Yes, I notice this quite often

☐ I notice this frequently

Any other comments on finding space to moor up for short periods?

5. How much do you think it matters if a boat stays in the same general location on visitor or temporary moorings instead of being kept at a long term mooring?

☐ It doesn't worry me at all

☐ It seems a bit unfair

☐ It's a serious problem that BW should address

☐ I don't have any strong view

6. Which of the following measures, if any, do you think British Waterways should use to reduce overstaying on temporary moorings?

☐ Employ more patrol staff in 'traffic warden' type role

☐ Apply overstaying charges at popular sites

☐ Confirm the trial Moorings Code

☐ Introduce a code, but not like the one that has been published

Alternative suggestions?

☐ None of these

Please turn over. Page 1 of 2

THE MOORINGS CODE
FEEDBACK FORM

7. Have you read the trial Moorings Code?

☐ Yes ☐ No

If "yes"

7a) Do you think it is clear and easy to understand?

☐ Yes it's clear enough ☐ It could be clearer ☐ It's not clear at all

7b) To follow the Code, do you think you will need to change your cruising pattern?

☐ A great deal ☐ A little ☐ Not at all ☐ I don't know

7c) Do you believe that the dispute procedure described in section 4 of the Code is fair?

☐ Yes ☐ No ☐ No view

8. The Code suggests that unless a boat is at its home mooring, it should move on by ten lock miles or more in a 14 day period. Do you think this is

☐ Too great a distance ☐ About right ☐ Too short a distance ☐ I don't have a view

9. The Code suggests that a boat without a home mooring should move on by 120 lock miles or more during a three month period. Do you think this is

☐ Too great a distance ☐ About right ☐ Too short a distance ☐ I don't have a view

To help us understand the context of your response …

During the past year, approximately how many

a) nights did you spend on board your boat? ☐

b) days did your boat spend cruising? ☐

c) different waterways did you visit in your boat? ☐

d) Do you have a home mooring for your boat? ☐ yes ☐ no

e) Do you normally keep a cruising log which records your overnight stops? ☐ yes ☐ no

f) Are you a boat owner? ☐ yes ☐ no

10. Any other comments?

Please give your name, address and email if you would like us to send you a copy of the final consultation report.

Name ☐

Email ☐

Address

Postcode

MANY THANKS FOR YOUR HELP. Please return the questionnaire by 31 October 2003 to Moorings Code Consultation
British Waterways Customer Service Centre Willow Grange Church Road Watford WD17 4QA or fax 01923 201 300

CRAFT LICENSING UPDATES

APRIL 2003

Out with the old, in with the new ….

Our trusty if a little clunky old computer system was turned off on 23rd March, although we can still use it to check customer records. Our new SAP system went live on Monday 7th April after lots of training, so we're all busy getting to grips with the new system. The first few weeks will inevitably be challenging, so please bear with us if your licence is a little late arriving. Local patrol staff will be understanding – they have the information which shows when licences are due for renewal so will know if you are one of the new system's guinea pigs. If you have any concerns, please contact your local waterway office in the first instance. This will help the Head Office staff to focus on catching up with the backlog of licensing work.

Lucky Winners

Customers whose licences were due for renewal on 1st April 2003 or 1st May 2003 received a prize draw coupon to win a 100% refund on their licence fee which was valid if they completed their renewal application before 10th March. This was to help us reduce the number of applications arriving during the period between the old system being switched off and the new one going live. Over 60% of customers qualified for the draw and we're delighted to congratulate the three winners:

- David Hough based on the Lancaster Canal
- Michael Rea based on the Shropshire Union Canal
- Michael and Anne Tams based on the Staffs & Worcester Canal

Direct Debit changes

As explained in previous UPDATES, changes to direct debit instalment phasing will start in June. This means that if your licence renewal date is May '03 or earlier, we will continue to follow the old pattern until your '04 renewal. For licences starting June 03, the first instalment of 20% of the total cost will be collected on Monday 2nd June, and the remaining 80% collected in four or eight equal monthly instalments according to your request from July onward.